## DOCKETED

Docket Number:	12-AFC-03		
<b>Project Title:</b>	Redondo Beach Energy Project		
<b>TN</b> #:	: 206095		
Document Title:	Statement in response to allegation by AES counsel regarding City's requests for noise data		
Description:	N/A		
Filer:	Jon Welner		
Organization:	<b>1:</b> Jeffer Mangels Butler & Mitchell LLP		
Submitter Role:	bmitter Role: Intervenor Representative		
Submission Date:	9/14/2015 11:43:25 AM		
Docketed Date:	9/14/2015		

JMBM Jeffer Mangels Butler & Mitchell LLP	1			
	2	STATE OF CALIFORNIA California Energy Commission		
	3			
	4			
	5	In the Matter of:		
	6			
	7	REDONDO BEACH ENERGY PROJECT Docket No. 12-AFC-03		
	8	APPLICATION FOR CERTIFICATION		
	9			
	10			
	11	INTERVENOR CITY OF REDONDO BEACH'S STATEMENT IN RESPONSE TO		
	12	ALLEGATION BY AES COUNSEL REGARDING CITY'S REQUESTS FOR NOISE DATA		
	13			
	14	September 14, 2015		
	15	September 14, 2015		
	16			
	17			
	18 10	JEFFER MANGELS BUTLER & MITCHELL LLP JON WELNER (Bar No. 178578), jwelner@jmbm.com		
	19 20	KIMBERLY A. HUANGFU (Bar No. 242251), <u>khuangfu@jmbm.com</u> Two Embarcadero Center, Fifth Floor		
	20 21	San Francisco, CA 94111		
	21 22	Telephone: (415) 398-8080 Facsimile: (415) 398-5584		
	22	Attorneys for Intervenor CITY OF REDONDO BEACH		
	24			
	25			
	26			
	27			
	28			
PRINTED ON RECYCLED PAPER				
SF 2054182v1		City of Redondo Beach's Statement In Response To Allegation		

## STATE OF CALIFORNIA California Energy Commission

In the Matter of:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

**REDONDO BEACH ENERGY PROJECT** 

**APPLICATION FOR CERTIFICATION** 

Docket No. 12-AFC-03

## INTERVENOR CITY OF REDONDO BEACH'S STATEMENT IN RESPONSE TO ALLEGATION BY AES COUNSEL REGARDING CITY'S REQUESTS FOR NOISE DATA

During the status conference on September 11, 2015, AES counsel Greggory Wheatland repeatedly asserted that the City of Redondo Beach ("City") was "changing" its requests for noise data. In particular, Mr. Wheatland asserted that the data requests listed in Exhibit A of the City's Supplemental Brief in support of its Motion to Compel contained new requests that had never been made before.

This is demonstrably false, and the City feels compelled to bring this to the attention of the Committee.

On June 18, 2015, the City sent a table of its noise data requests to AES by email (the "Email Table"). The Email Table was published in the Energy Commission docket as Appendix C of the City's Status Report on July 7, 2015, (TN#205252) and Appendix A of the City's Motion to Compel on August 4, 2015 (TN#205633).

On September 10, the City filed a Supplemental Brief in support of the Motion to Compel (TN#206063), which included a table listing the prior data requests and describing AES' response to each (the "Supplemental Brief Table").

The data requests listed in the Email Table (sent on June 18) and the Supplemental Brief Table (filed on September 10) are the same.

28 PRINTED ON

RECYCLED PAPER SF 2054182v1

1	Below is a side-by-side comparison of the data requested in the two tables:			
2 3	Data Requested in ''Supplemental Brief Table'' (September 10)	Data Requested in "Email Table" (June 18)		
4 5	1. All ambient noise measurement data for locations M3 and M4.	Provide all ambient noise measurement data for monitor locations M1, M2, M3, and M4.		
6 7 8	2. An electronic copy of the CADNA/A noise model file and AES' underlying assumptions.	Provide an electronic copy of the CADNA/A noise model file; all parameters that were input to the noise model; and all supporting calculations and data (with source documentation) used to establish the parameters.		
9 10	3. List of major equipment sound power levels used in the AES analysis, including elevation/height of noise-generating equipment.	[produced by AES on August 28]		
11 12	4. List of noise mitigation measures included in the AES noise model or analysis.	[produced by AES on August 28]		
13 14	5. Provide the calculations and data, with source documentation, used to develop the predicted operational noise levels.	Provide the calculations and data (with source documentation) used to develop the predicted operational noise levels.		
15 16 17	6. Provide the calculations and data, with source documentation equipment sound power levels, including octave and third-octave band levels, used to develop the noise contour map.	Provide the calculations and data (with source documentation) used to develop this noise contour map.		
18				

It is immediately evident that none of the items listed in the Supplemental Brief Table are "new."<sup>1</sup> Rather, the Table is a list of the City's longstanding requests for data that are needed to properly analyze and understand the noise impacts of the proposed power plant on the neighboring communities in Redondo Beach and Hermosa Beach.

<sup>1</sup> The only item that could possibly be considered new is the inclusion of the phrase "equipment sound power levels, including octave and third-octave band levels" in the request for all calculations and data used to develop the noise

contour map. But this is not a new request-it is merely pointing out a subset of the "calculations and data used to

- 3 -

develop the noise contour map" that AES appears to have decided not to produce.

PRINTED ON

RECYCLED PAPER SF 2054182v1 \_

City of Redondo Beach's Statement In Response to Allegation

 $JMBM \Big|_{\texttt{Buttler \& Mitchell } uP}$ 

19

20

21

22

23

24

25

26

27

28

